

**Land Access and Household Logic:
Urban Farming in Kampala**

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Introduction.

The depth of the economic crisis of African cities in the 1980s has been well documented (Stren and White, 1989; Jamal and Weeks, 1988). In the case of Kampala, the urban economic crisis began much earlier than in many other cities in the region, as a result of the Amin regime's "economic war" in the early 1970s, which created space for an indigenous bourgeoisie, but undermined much of the formal economy (Mamdani, 1990; Banugire, 1985). Wage income fell precipitously in relation to the cost of living between the end of the 1970s and the present, and the major response at the household level was to diversify sources of income as a buffer against inflation and falling real wages (Bigsten and Kayizzi-Mugerwa, 1992).

Agriculture has long been present in the city, but during this period it became much more prevalent, even in the most densely populated parts of the city. In 1968, Kampala had been enlarged to include both Mmengo, the former capital of Buganda Kingdom, as well as Kawempe and Nakawa townships to the North and East. This territorial expansion brought into the city peri-urban areas in which the population density was hardly different from the surrounding rural areas. Hence, for the past twenty years, there have been two different forms of agriculture in the city. Both have been subject to the same set of municipal bylaws, dating from the colonial era, which ban cultivation in the city (with the exception of vegetable gardens and flowers), and which permit the keeping of livestock only with the consent of the City Council.

The response from the international community to Uganda's economic crisis has been similar to that throughout Africa. The first IMF/Structural Adjustment Program ran from 1981 to 1984. The guerilla war against the Obote II regime intensified during this period, and eventually the National Resistance Movement took power in 1986. A second Structural Adjustment Program was begun in 1987, and continues to the present. While intended to lay the basis for long-term growth in the economy, the short- to medium- effects, particularly on the urban wage earning class and the poor, have been well documented: Austerity measures have cut social programs and subsidies (Loxley, 1989) as well as civil service wages (Chew, 1990) and major cutbacks in civil service employment: economic liberalization has led to the failure of some domestic industries (Mamdani, 1990), and the steep increase in the price of food (Cornia, Jolly and Stewart, 1987). Yet the city's population

continues to grow at roughly twice the rate that the total population of Uganda (Uganda Government, 1991).

Only comparatively recently have donors and governments become aware of the potential risks in the short and medium term to vulnerable groups in the process of adjustment. The conventional argument is that structural adjustment is designed to make farming a more economically attractive livelihood, and solve the urban food problem through increased incentives for rural production. However, in the short- to medium-term, the burden on low and middle income urban households is increased.

Various programs of the World Bank and multi-lateral agencies that attempt to alleviate the impact of structural adjustment on vulnerable groups have recently become aware of the potential of urban food production to ameliorate the decline in nutritional status which many analysts believe is a product of the macro-economic policies of Structural Adjustment (Professor Bishwapriya Sanyal, MIT, personal communication; Dr. Jac Smit, UNDP consultant, personal communication). Such a view faces major obstacles in many Eastern African cities in terms of its acceptance by City Councils and urban planners, who continue to view agriculture as an occupation which does not belong in a city. Agriculture has, of course, long been practiced by many urban residents despite its legal status.

A recent review of the impact of structural adjustment on the nutritional status of vulnerable groups refers briefly to Kampala to hint that access to land for semi-subsistence production may buffer or prevent the decline in nutritional status and household food security that is widely believed to be to the product of the urban economic crisis, or structural adjustment, or both (Pinstrup-Andersen, 1989). But that article does not spell out or measure the effects of semi-subsistence production on nutritional status. The source to which it refers is an article by Jamal (1988), in which he claims that "Kampala is twice as self-sufficient in calories now as it was in 1972" (p.684). While this statement may well be true, Jamal also does not present any evidence on either caloric intake or nutritional status of farming families within the city.

Another recent study of Kampala households (Bigsten and Kayizzi-Mugerwa, 1992) makes somewhat the opposite claim, suggesting that farming in the city is not "serious" and that people are not about to feed themselves on their "makeshift farms" in the city. There is some truth in both of these views, but Jamal's evidence is largely impressionistic, and Bigsten and Kayizzi-Mugerwa do not distinguish between different types

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of households farming within the city, and like much econometric analysis, theirs completely overlooks intra-household relations.

The question of the nutritional impact of urban farming has been dealt with elsewhere (Maxwell, 1993). The objective of this paper is to evaluate the various claims made about urban agriculture in Kampala: to look at the logic of different kinds of households involved in urban food production in order to interpret what it means and why different groups of people engage in it; and to address the critical question of access to land within the city for agricultural production.

Household Logic in Urban Agriculture.

Both our own previous work (Maxwell and Zziwa, 1992) and that of Bigsten and Kayizzi-Mugerwa (1992) tended to treat Kampala households as internally homogenous units, differentiated only in terms of income. Bigsten and Kayizzi-Mugerwa state it clearly: "We assume...that decisions [regarding income generating activities within the household] are made by the household on the basis of utility maximization subject to budget and resource constraints" (p.1424). These assumptions follow from a view of the household championed by Becker (1981) which presumes that households share a joint utility function and the actions of household decision makers -- usually a male head of household -- are based on altruistic considerations regarding all members of the household.

Extensive qualitative interviewing with a broad cross-section of farming and non-farming households in Kampala suggests a rather different view, particularly with regard to activities such as urban agriculture: A view which could be best summarized, following Mingione (1991), as semi-proletarianization, or relying on a measure of both labor market participation or petty trading, as well as home-production for consumption.

Mingione (1991) defines the household as a reciprocal form of social organization or set of mutual relations, the purpose of which is help its members survive. Basic elements of a household include "resource-pooling, survival as the end of its organizational structure, and reciprocity or mutual obligation as the main organizational form" (p.132-3). Co-residence may be implied here, but is by no means a sufficient condition for defining the household. Economic strategies are a combination of household and individual allocations of resources and generation of income. Contrary to the assumptions of much economic analysis, the nature of household relations is based on negotiation and

even conflict, rather than altruism on the part of a household head. Mingione also makes it clear that households cannot be considered in isolation for their social and historical context, the community, kinship, and friendship networks within which households are embedded.

Mingione explains the household with regard both to the range of work in which its members are engaged, and the range of resources entering it. He lists the range of work which allows households to survive: formal work, informal work, illegal work and work not provided for by the law, including self-provisioning (p.80). The range of resources entering the household includes internal resources -- those arising from the work of individuals within the household; and external resources -- those arising from the state, from private charity, friends and community and kinship networks. The most important **internal** resource of households engaging in urban agriculture is clearly labor; the most critical **external** resource to which households and individuals engaging in urban agriculture must gain access is land, if they do not own enough themselves. While "charity" as defined by Mingione, is not usually a means of gaining access to land for farming in Kampala, the other categories mentioned are useful in analyzing land access, including the state.

Two distinctly different forms of agriculture coexist within the city of Kampala. The first, occurring within the central city, the older suburbs, and City Council housing estates, represents a long-term movement away from the labor market in both the formal and informal sectors of the city's economy, with increased effort over time devoted towards production for direct consumption. The other, occurring within the newer suburbs and the peri-urban areas within the city, represents movement towards either the labor market or informal trade, but a reluctance to become entirely dependent on either.

Almost without exception, whether in the older part of the city or in the peri-urban areas, when people who are currently engaged in farming were asked if they would like to stop farming if offered a different job whose monetary remuneration were equivalent, the answer was no. This implies that across the spectrum, whether commercially oriented or not, whether male or female, whether low or middle income, farming is an important spoke in the wheel of economic life. Nevertheless, the logic of how farming is incorporated into the economic strategy of the household or individual varies greatly. More discussion of the theoretical interpretation of urban farming is presented in a subsequent section of the paper.

At least four major categories of household logic emerge from an analysis of the qualitative interviews: a commercial logic; a logic of household food self-sufficiency; a logic of providing a measure of food security; and a "no other means" logic.

1) Commercial Production. Although scattered examples exist of commercial production of exotic crops such as coffee or vanilla beans within Kampala, by far the largest category of commercial production in Kampala is in livestock, and particularly in poultry. An estimated 70% of Kampala's poultry products (meat and eggs) are produced within the city.¹

However, the notion proposed by the new institutional economics school of entrepreneurs developing from a small, home-consumption oriented kind of production and growing in an evolutionary manner into a larger-scale commercial kind of production does not seem to occur. Although current commercial producers may have begun producing for home consumption, almost without exception, the capital invested in commercial production comes from a source outside of agriculture. Hence, commercial agricultural production is a lucrative investment of capital, rather than the evolutionary outgrowth of small-scale production, as typified by this informant:

"There were two factors in our deciding to farm. First, to supply our domestic needs and to sustain a reasonable level of eating, and to cut down on the amount of our income that we spent on food. At the same time, we realized that we could positively earn income from this agriculture. So we intensified on poultry.... When I left banking in 1988 -- I worked in a bank once you know -- I was given two million shillings [U.S.\$10,000 at the time] and we invested it in poultry. The rest [of the money invested in poultry] came from a bank loan..."²

Other poultry producers recount similar stories. In fact, a number of former small-scale producers attempting to diversify into poultry reported having been forced out of the market in recent years because of high costs of production, and low margins of profit per bird. Only the larger producers have a sufficient number of birds to maintain profitability.

This kind of household tends to have a high level of income and access to sources of large-scale credit. Evidence from the household case studies

¹From key informant interview number 15, January 12, 1993.

²From household case study interview 23, January 31, 1993.

suggests that commercial producers may be either men or women, and that male and female household members may well collaborate in commercial production, treating income and expenditures as any business would. The income and expenditure pattern from the business may have little effect on other household roles.

2) Urban food self-sufficiency. Food self-sufficiency here is taken to mean self-sufficiency in staple foodstuffs and sources of protein. Certain food items are still purchased but this kind of household is largely insulated from the high cost of living in Kampala, and even though its income may be very low in monetary terms, it is relatively food secure, except in the event of bad growing seasons or drought. These households are almost without exception well-established and the family has been living in Kampala for a long time. Although no ratio of land area/household size suggests itself from the relatively small number of cases studied, it is evident that these households must have access to a significant amount of land -- anywhere from two to five acres, though this is not conclusive. Some land in swamps or very low lying areas is necessary to permit year round harvest of certain staple crops such as cocoyams which both tolerate flooding during the rains, but grow on swamp land during the dry season. Almost without exception, the land used for farming is not owned by the household (if it were, it would imply a level of wealth that would permit a more leisurely lifestyle than farming). This implies well established social relations with land owners, or long-term residence in previously sparsely populated areas.

All members of the household are often engaged in farming in this kind of household, although some members may hold wage earning or petty trading jobs elsewhere. Nevertheless, the tendency is for the male head of household, if present, to claim proprietorship of the farm. While there is hardly a commercial logic to production, this type of farming household does sell some of its agricultural produce in order to get income for other needed purchases, but the sales tend to be based on having a surplus after household needs are met, or raising cash for an emergency, not on a profit-maximizing logic. Otherwise the selling of casual labor is a more frequent form of providing a source of cash.

A number of households studied in this category were female-headed. A customary gender division of labor is evident when some cash crops are grown with food crops. Ironically, given the similarity to modal forms of rural agriculture, this type of household is most likely to provoke the suggestion that urban agriculture is some kind of cultural hangover from a rural lifestyle, brought to the city by recent migrants. However, as noted above, this kind of urban existence is possible only when a

household is well established and has long-standing relations with urban land owners. With the notable exception of households in areas where the city has literally grown up around their customary land holdings, the family or the head of household reported engaging in either wage labor or some other non-agricultural occupation for some period of time after migrating to the city, before beginning to farm, and long before reaching a level of self-sufficiency in farming.

3) A measure of food security. This category is by far the most common. One or more members of a household have gained access to some land -- either within the compound on which their house or flat is located, or elsewhere -- and someone within the household is producing food on it. But the amount of food produced does not constitute the majority of what the household consumes. Almost without exception, persons within such households who are responsible for food procurement and preparation say that the market is their major source of food, with the garden or farmed plot being a secondary source. Household members who are employed in a wage-earning job may get some of their food (lunch in particular) as part of their wage and school children may get lunch at school. Such households tend to have at least one member employed somewhere, though the spectrum ranges from very low-paid informal laborers to relatively senior civil servants.

In some cases the land used for farming may be owned by someone in the household, and the farming may genuinely represent a "household" allocation of resources -- both land and labor, and in some cases, income from other sources is used to pay for hired agricultural labor. The more common case is that of the senior woman in the household (be she the wife, daughter or female head of household) gaining access to land on her own basis through an arrangement of borrowing, renting, "squatting" or purchase of use rights. Providing some amount of food for the household both increases the food security of the members of the family for whose welfare she is responsible, as well as permitting her to use her own cash income on items other than the purchase of food.

It is particularly this group of women farmers who insist that they would never stop farming in exchange for another job that, in monetary exchange values, remunerated labor at the same rate. First, food is a form of income that is less easily expropriated by other members of the household than is cash. Second, in some cases, these women may have a source of income from businesses that rely on farming for inputs -- preparation of food for sale being the most notable example. Third, farming is a task that meshes well with the other workload expected of women -- most notably child care and food preparation:

"Of course I cannot stop this farming... You may get another job when you do not have anyone to leave at home. Who would cook and look after these children?"³

However, this is not to imply that women farmers in this category do not hold other jobs. Many do, both as self-employed and as wage earners. However, unless a family is wealthy enough to afford hiring domestic help, having outside employment is often in addition to, not instead of, these expected household roles.

Unlike the other categories, this group almost never sells any of the food produced. Other sources of income are usually present in the household - often even other sources of female income. In fact, protection of that income for non-food uses constitutes a major part of the logic of this kind of agricultural production. There is clearly a relationship between amount of land farmed and contribution to household food security, but other sources of income are probably more important in the majority of cases. Seasonality of labor demand and supply of produce are salient concerns with this group, because it is precisely the time when little food is coming from their own production that the cost of food from market sources is likely to be highest and labor requirements for farming are the highest.

4) No other means. In a sense, this group is a more extreme form of the one just discussed. This group often includes low-income female-headed households, widows and families suddenly abandoned by a primary wage earner. As a group they are very low-income, food-insecure and land-insecure households. Although there is nothing like profit maximizing logic, this group is often forced to sell some of what it produces in order to meet other expenses. In fact, it is this aspect which distinguishes this group from the former one: the former can afford to always eat the food they produce; this group is often forced to sell some, even if they don't have enough to eat.

Such households are often not well enough connected to gain access to land through any means other than "squatting." This means that they are often subjected to evictions without compensation. Farming, for this group, does constitute something of a "survival strategy" in the most literal sense.

³From household case study interview #9, January 14, 1993.

Movement of individuals or households between these different categories is of course possible. Several female heads of households were interviewed who recounted severe difficulties in making family ends meet at the time of their husband's death or upon being abandoned in the city by their husband, but who, over time have succeeded in obtaining enough land to be approaching something like food self-sufficiency, with perhaps some of the older children engaging in wage employment.⁴

Several of these women also indicated that previously they had even been commercially oriented producers, but lost their land when they lost their husband, either through claims by in-laws upon a husband's death, or the sale of land by a husband before abandoning the family.⁵

Occasionally through savvy dealing in purchasing use rights in land, working women are able to move from having a small garden that just provides some portion of the household's food requirement to a position approaching food self-sufficiency, although the gains in land are usually at the expense of another urban farmer's loss of the same land. When self-sufficiency is reached in this manner, there may be some increased sales of food produced, but the farming still operates on a "food-first" kind of logic rather than a strictly profit-maximizing one. That is to say, rarely does anyone move from one of the latter three categories to the commercial category without access to capital outside of agriculture altogether.

With the exception of the commercial group, who are income-oriented and are clearly analytically different from the other three, all respondents listed provision of food for themselves and their families or households as the predominant reason for farming in the city. Indeed, responsibility for the provision of food (as opposed to "eating from the same pot" or co-residence) was the most often stated criterion for what constituted a "household." That is to say, though some people may be living in the same house, and even eating with the respondent at the time they were interviewed, if those people were not the responsibility of the respondent's family to feed, they were not considered part of the "household" (the most common example being a relative who was living with the family of the respondent while schooling in Kampala). On the other hand, someone who was not even living in the same house, but whose food was the responsibility of the family of the respondent, was usually considered to be part of the household (the most common example

⁴From household case interview number 10, January 16, 1993; number 13, January 20, 1993; and number 15, January 1993.

⁵From household case study number 15, January 25, 1993; and number 25, February 2, 1993.

being elderly parents who lived on their own, but who could not provide for themselves). The logic of farming in the city, then, varies with the circumstances of the people who, individually or as a household, are able to engage in it.

Land Access and Land Tenure. In our previous study of urban agriculture in Kampala (Maxwell and Zziwa, 1992), lack of access to land was listed as one of the biggest obstacles to being able to farm in the city. However, that study⁶ did not include any investigation of the processes through which people actually gain access to land for farming, or the de jure and de facto institutions of tenure under which such land is held.

Kampala is a combination of two cities: Kampala itself, the commercial capital of the Uganda Protectorate, largely planned and built by the colonial power; and Mmengo, the capital of the *Kabaka* of Buganda. Until 1968, they were two separate municipalities. Tenure practices in the two were quite different. In Mmengo, the *Mailo* system prevailed, which allowed for private ownership of land, and in which public land was held in trust by the *Kabaka* himself or other notables. In Kampala, other forms of freehold (including allowing land to be held by institutions such as churches or hospitals) prevailed, and much of Nakawa Division (the Eastern quarter of the city) was public land held by the state (West, 1972). In an effort ostensibly to promote agricultural development, the Amin regime abolished (at least on paper) the *Mailo* system in 1975 through the Land Reform Decree, making owners into holders of long-term leases, and making *kibanja* tenants into sub-lessees at sufferance (Barrows and Kisamba-Mugerwa, 1989).

Amin's expulsion of Uganda's Asian community in 1972 radically altered urban land holding, although the immediate complaint that Amin was addressing was Asian dominance of business, not their dominance of urban land ownership. Muench (1978) calculated that because of high transaction costs of legal sales given the break down of fundamental institutions of law and order during the Amin era, 80% of the urban land transactions in Kampala during those years (1971-1979) were "illegal" (this figure apparently includes land in the city center as well as on the

⁶Our 1989 sample included only farming households. In a study of Kenya that included both farming and non-farming households, Mazingira Institute (1987:85) found that only 22% of residents in Nairobi had access to urban land where they could grow crops, and that access to land was the single major determinant in whether or not a low-income family engaged in urban agriculture. Seventeen percent of their respondents had previously farmed in the city, but had stopped; the biggest single reason being the loss of access to land.

fringe). These informal or illegal land transactions were cheaper initially, but led to numerous disputes in the long run.

The Land Reform Decree has never been fully implemented, and in fact, research shows that many *Mailo* tenants in rural areas do not even realize their status as sub-lessees at sufferance (Barrows and Kisamba-Mugerwa, 1989). The confusion over the status of the Land Reform Decree, and the level of litigation caused by informal land transactions during the period from 1971 to 1986 have led to proposals for broad reforms of tenure (Bank of Uganda, 1990). With regard to urban land, the current proposals under discussion include converting all urban land to freehold (Bank of Uganda, 1993)

While the debate over urban land tenure has mostly to do with housing and other "urban" land uses, agriculture has continued to occupy various niches in urban land. Categories of land tenure in Kampala are highly confusing, given both the diverse history of different parts of the city, and the ambiguous status of the 1975 Land Reform Decree. They vary from formal, legal occupancy (numbers 1-3 below) to a range of informal and illegal forms of occupancy (numbers 4-7). Categories of land occupancy for urban agriculture can be briefly outlined as follows:

1. Owner Occupancy. The 1975 Land Reform Decree notwithstanding, de facto private ownership of *Mailo* land prevails on about 45% of Kampala's land area today (GTZ/DPP, 1992). Although formally altered to very long-term leaseholds, this land is treated for all intents as private land; and it is bought and sold accordingly. The most common form of agricultural land usage on private land is simply the owner of a plot engaging in some cultivation on his or her own land, although owners often permit others to cultivate unused land, and uninvited "squatters" often simply help themselves if land is unoccupied. If a household or individual both owns the title and occupies the land, it is a fairly sure indication of relative wealth.

2. Long-term Statutory Leaseholds. Over half the land within the city limits of Kampala is public land, administered either directly by the Uganda Land Commission, or by Kampala City Council, on which an applicant can be allocated a long-term, renewable lease-hold. Much of this land in the Eastern part of the city (Nakawa Division) was formerly Crown Land, which is to say it has been held by the state since the 1900 Buganda Agreement. In other parts of the city, particularly the parts which were formerly the *Kabaka's* capital, this land has only recently come under Kampala City Council jurisdiction, and already had customary tenants occupying it. Strictly speaking, the Public Lands

(Compensation for Resumption) Act of 1965 stipulates that customary tenants are to be compensated both for the value of their land and for improvements, crops included, when land they occupy is granted as a lease hold to someone else. The evidence about this in practice in Kampala is somewhat contradictory.⁷

While few people acquire a leasehold on land for purely agricultural purposes, there is evidence of leased land being farmed, although the actual arrangements with the cultivator are more along the lines of those described below. Kampala City Council will not issue a lease if the proposed land use is agricultural, not residential or commercial, but the evidence is that City Council does not interfere with people farming on leased land, so long as the formal purpose of the lease is residential or commercial.⁸

3. Renewable Annual Rental Arrangements. Major areas of the Eastern part of the city are devoted to City Council housing estates, in which houses are rented to both civil servants and the general public. Most of these houses have small plots, which today are covered in gardens and plantations. Formally, these are annual leases, but in practice, people who occupied the houses twenty or thirty years ago may still be found there, and evictions are difficult and few, except in housing that is designated for the staff of Kampala City Council. There is anecdotal evidence of a secondary market in purchasing rental agreements in housing estates.⁹ This may include land for cultivation, but the major purpose of these illegal transfers is to obtain housing.

There is of course also a thriving private market in house rental, which may in some cases include granting the renter access to some land for cultivation. In the previous study of urban farming in Kampala, a few cases arose where people were paying a cash rent to a landlord only for access to land for farming, but much of this activity is more accurately described below as "borrowing" since "rents" paid are often quite below the market rate for land, and paid only irregularly.

4. Bibanja.¹⁰ Under the *Mailo* tenure system in Buganda, where Kampala is located, *kibanja* meant a plot of land granted in a kind of

⁷From key informant interview number 7, December 30, 1992; household case study interview number 3, January 6, 1993; 4 January 6, 1993; 14, January 21, 1993.

⁸From key informant interview number 3, December 14, 1992 and number 6, December 29, 1992.

⁹From key informant interview number 6, December 29, 1992; and number 22, January 22, 1993; and household case.

¹⁰*Kibanja* is literally translated simply as a plot or piece of ground. *Bibanja* is the plural.

long-term rental of use-rights to a tenant either by a private land owner, or by a chief or official of the *Kabaka's* government. After the Land Reform Decree, both *Mailo* and Official *Mailo bibanja* holders were legally reduced to "tenants at sufferance:" the sufferance of landlords in the first case, and the sufferance of the state in the second. In both cases, *bibanja* holders are legally referred to as customary tenants, with rights to compensation for improvements to land. In practice, their circumstances vary.

Under the *Mailo* system, a landlord allowed peasants to settle on his land so as to collect *busuulu* and *envujjo* payments from them.¹¹ In later years under the *Mailo* system, landlords actually sold long-term use rights to a tenant, and this is the more commonly implied sense of the term "*kibanja*" as it is used on *Mailo* land in Kampala today. In spite of the Land Reform Decree, the system of *bibanja* holding of land continues. Much of the privately-owned land in the parts of Kampala where *Mailo* land exists (or existed) is occupied by *bibanja* holders. Technically, the buying and selling of *bibanja* is not legal, but the practice continues, and in fact much agricultural land is used under this kind of tenure.

In the more peri-urban parts of Kampala, this has created a dual market in land rights. Titles to *Mailo* land are often bought and sold both for speculative purposes and to use as collateral to acquire bank loans, and the land-owner may never even see the piece of land he or she is buying.¹² At the same time, *kibanja* rights are bought and sold, for the purpose of cultivation as well as housing for both "owner-occupancy" and renting (*mizigo*). Since there is some pressure for compensating the occupants when the land is repossessed by the owner (and there is some controversy as to whether such occupants should be called tenants -- implying *bibanja* holders -- or "squatters"), having occupants does lower the value of the land somewhat. However, if the occupant is someone who is known by or related to the land owner in some way, keeping such a person in occupancy keeps other unwanted occupants or squatters off the land, and the value of land is escalating at such a rate that the small amount that recognized occupants need to be paid to resettle, constitutes little loss to the land owners.¹³

This contrasts sharply with the situation in rural areas, where the value of the *bibanja* holders' improvements may be several times the value of the

¹¹ Literally, ground rent and crop rent.

¹² From key informant interview number 8, January 4, 1993; and household case study interview number 11, January 19, 1993; and number 14, January 21, 1993.

¹³ From key informant interview number 2, December 28, 1992 and number 3, January 6, 1993; and key informant interview number 11, January 7, 1993.

land itself. Though not enough evidence is available to make conclusive statements, the value of land in Kampala suburbs appears to be inflating in value at three to four times the overall rate of inflation in the economy.¹⁴ Kaggwa (1993) demonstrates that in at least one area, land values have increased one thousand-fold in nine years.

A second category of *kibanja* rights continues to be widely recognized, but is without current legal status. In Buganda, before the Kabaka was deposed by the Obote government in 1966, much of the land was held in public trust by the Kabaka or chiefs and other notables. Although individual incumbents did not get personal title to the land, rent from the land was payment for their chiefly duties, and so chiefs, ministers and the Kabaka himself had land on which they settled *bibanja* holding peasants. Large areas of what is now Kampala includes land that was a part of the Kabaka's personal estate. When the Kingdoms were abolished, ownership of this land reverted to the state, and most of the land that fell into this category in Kampala is now administered by Kampala City Council. Hence, someone who had acquired a *kibanja* on this so-called official *Mailo* land prior to 1966 may still be occupying such land, and is quite likely to refer to it as "his" or "her" land, even though they have no *de jure* legal basis for the claim of land ownership -- according to the law they are considered "tenants at sufferance" -- the sufferance of the state in this case.¹⁵

Of course, such people are free to apply to the City Council for a leasehold on the land, but the process is expensive and time-consuming. Most of the people who acquired land in this manner prior to 1966 were not people of great wealth, and the proportion of those who have acquired leases appears to be small. And even fewer people using such land for agriculture have been able to do so.¹⁶

A particularly clear example of the status of what happens to people on such land is shown by the Kawaala Sites and Services Project, in Rubaga Division. All of the land in that area was formerly Official *Mailo* land, now administered by City Council (GTZ/DPP, 1992; West, 1972). A large area has been taken for the project area, and the *bibanja* holders are to be evicted, with compensation for their crops and houses, but none for

¹⁴From household case study interview number 2, December 28, 1992 and number 3, January 6, 1993; and key informant interview number 11, January 7, 1993.

¹⁵The section of the Public Lands Act which deals with customary tenancy, S-24 (1), stipulates that it applies only to rural areas, and the rules of customary tenancy do not apply in urban areas.

¹⁶From household case study interviews number 1, December 27, 1992; number 8, January 11, 1993; and number 24, February 1, 1993.

the use-rights in land. Lease-holders' land is protected, and their houses will not be condemned.¹⁷

In some cases, the former Official *Mailo hibanja* holders are aware of their legal status, and having their rights to land revoked does not come as a surprise, but in other cases, this is not so.

5. Borrowing. Land borrowing is a very common form of land access for agricultural purposes. It offers access to land with the consent of the owner or care-taker, and the assurance that even if future use-rights are withdrawn, the labor invested in a given year's crops will not be lost due to summary eviction. In some cases, a small amount of money is paid to the owner or care-taker; more commonly some of the food harvested is given as a token of thanks or "rent." Occasionally, the use of such land appears to be completely free, although this is mainly among close friends or relatives.¹⁸

Lending land serves the interests of land owners in that there are specific short term agreements with users -- albeit often verbal -- and the clear understanding that when the owner wants the land, either to sell or to build on, the users will be asked to leave. In the meantime, lending the land prevents more permanent "squatters" from taking up residence, whose removal might either be financially costly or involve litigation. Owners sometimes put care-takers on the land, and expect them to earn some portion of their living from looking after the land -- hence the token payments of "rent."

Examples exist where someone is "lending" land for a price, both cash and in-kind, which the lender does not own, but to which he gained use rights through first occupancy.¹⁹

6. Purchasing "use rights." There remain in the city large tracts of land, both public and private, which are not built up, and which the owner has reasons for not wanting to sell. In the case of Kampala City Council land, Council lacks the means to care for this land, and tolerates people's informal use of it for agricultural purposes. Some private land owners also tolerate agricultural land users, so long as they keep their gardens weeded and surrounding areas slashed. In areas where such tolerance has long been practiced, an informal land market in buying and selling use-rights has emerged, but it has emerged between users, not

¹⁷From household case study interview number 24, February 1, 1993.

¹⁸Household case study interviews 1, December 27, 1992; number 5, January 6, 1993.

¹⁹Household case study number 10, January 18, 1993.

between owners and users. Users refer to the plots as "my land" even though they know that the land owner can repossess the land, and in most cases, the issue of compensation is an unknown factor in the decision to "buy" such land. But the prices are low, reflecting the unknown quantity of tenure-security.²⁰

On the other hand, the use- and exclusionary-rights on such land seem to be quite strong. All the respondents interviewed using this kind of land for farming insisted that they rarely had encroachment problems (in appearance at least, less than on *hibanja*). Both the other land users and even the Resistance Councils in the area will back up the claim of the "owner" (user) of the land if prior occupancy can be demonstrated. Several respondents even claimed to be able to fallow such land for a year without fear of losing it to someone else.²¹ Such land is often not far from the home of the user, and when the current user moves to a different part of the city, the land is "sold" to someone else.

On some of this kind of land, there is a care-taker, and the use arrangements may be more aptly described as "borrowing" if transactions in buying and selling use rights are carried out with the care-taker as the middle-man. On other land, there is often not a care-taker, but there is evidence that a fair amount of turn-over in such "ownership" and no evidence of any formal or informal agreement with the title holder. However, there are unwritten rules about usage -- perennial crops are not permitted to be grown, for example -- and the existence of an active "land market" may also serve the interest of the owners by preventing any occupant from claiming *kibanja* rights.

7. "Squatting." Informal occupancy without permission occurs on both public and private land in Kampala. On private land, the Land Reform Decree stipulated that previous *hibanja* holders became "tenants at sufferance" and hence there is only scant legal distinction between former legal *hibanja* holders and people who have occupied land without permission of the owner since the Land Reform Decree. Occupants who do have the permission of the owners and who have occupied the land since the 1975 Land Reform Decree are more aptly described in legal terms as "borrowers," although there is quite often an exchange of money or some other form of rent. The issue of squatting on private land in Kampala is most clearly demonstrated by the issue of compensation upon eviction.

²⁰Prices ranging from the equivalent of \$20 to \$40 were noted for gardens ranging from 100 square meters up to about 250 square meters.

²¹Household case study interview number 27, February 10, 1993 and number 28, February 17, 1993.

In the perception of the land owners, squatting is a strategy which the "squatters" engage in both to make short-term use of land as well as to ensure that they "get something" in return for being evicted.²² Some *bibanja* holders retain the receipts from *busuulu* rent paid to landlords before it was abolished by the Land Reform Decree, and possession of such receipts is a fairly certain means of proving that the holder did hold the *kibanja* rights prior to 1975, even though it may well have been a previous owner from which they were purchased. Occupants who don't have such receipts can only prove their rights in the land by establishing how long they have been on the land, and whether or not they were there when the current title owner bought it. This process is often taken to Resistance Council courts, and the transaction costs to the land owner of such litigation can be higher than the cost of simply "paying off" the occupant or "squatter" and giving him or her enough money to go settle somewhere else.²³

Several of the land title owners interviewed expressed the opinion that the RCs are "pro-squatter," and noted that "it's better if you pay them [the squatters] off. let them go and get another land somewhere, then you get rid of them....[otherwise] you eventually don't get peace on that land".²⁴

The perception of the *bibanja* holders, or the "squatters" (depending on the background of the individual case), is somewhat different. Without specifically seeking them out in the course of the household case studies, several cases were documented in which *bibanja* holders, whose rights to land-use had been recognized by a previous title owner, were summarily evicted from land after a new owner had purchased the title, without compensation, notice, or even the chance to harvest the crops they had planted.²⁵ In two of these cases, it would have represented little financial loss to the land owners to compensate the losses, but they were sufficiently powerful to overlook such costs as well. One of these land owners had, in another case, accepted without objection the occupancy on land he had purchased of a respondent who freely admitted that he had purchased the *kibanja* well after the Land Reform Decree had rendered buying and selling *bibanja* formally illegal.²⁶ But the latter respondent had been a minor official in a previous government; the former was an

²²From household case study interview number 2, December 29, 1992; and number 14, January 21, 1993.

²³ibid.

²⁴From household case study interview number 2, December 28, 1992.

²⁵From key informant interview number 7, December 30, 1992; and household case study interviews 4 and 5, January 4, 1993.

²⁶From household case study interview 11, January 19, 1993.

impoverished widow living in a slum. While the number of cases documented is not sufficient evidence to make generalized claims about relations between "squatters" or informal occupants of land and the land title owners, the evidence would seem to suggest that the relationship has more to do with power and patronage than with legality.

Similar forms of squatting have been noted on Institutional freehold land within Kampala as well, with similar results being noted when the squatters are evicted.²⁷

On public land, the situation is somewhat different. Here occupants generally know that the land can be reclaimed at any time by City Council, or it can be granted as a lease-hold to a private buyer. Unlike many former Official *Mailo bibanja* holders, informal occupants or "squatters" on former Crown land are fully cognizant of the status of their tenure. At the same time, however, prior occupancy bestows use-rights until such a time as City Council either re-possesses the land or grants it as a leasehold. In the paraphrased words of numerous respondents: "I just saw a bushy area, cleared it, and started cultivating!".²⁸ Neighbors, and in most cases, Resistance Councils, will back up the claim, and are usually in position to verify who the prior occupant was.²⁹

However, by respondents' own estimation, it would be very difficult to acquire land by such a means in Kampala today -- most of this group had been cultivating on the same piece of land since the mid to late 1970s. There is buying and selling of use rights on this kind of land in some parts of the city, but also many strong denials that any such practices were taking place in others.

Land Access and Household Farming Categories. In general, commercial agricultural producers operate on land which they own or lease, although several cases were noted where the farming operation was being carried out on the plots of rented houses -- but here again, there was a formal rental agreement. It is fairly clear that commercial agriculture does not rely very much on informal access to land. On the other hand, much of the commercial agriculture in the city involves livestock and poultry production in confinement, and physical space requirements are fairly

²⁷From key informant interview number 1, November 11, 1992.

²⁸From focus group discussion number 1; household case study interview number 3 and 4, January 6, 1993; number 15, January 28, 1993; number 20, January 29, 1993; and number 22, January 30, 1993.

²⁹Key informant interview number 5, December 23, 1992; number 6, December 30, 1992; number 12, January 10, 1993; and number 22, January 22, 1993.

small. This would not be the case, however, for coffee or vegetable producers.

Households in the category called "self-sufficient" rarely own their land. It requires a sizable amount of land to achieve relative food self-sufficiency, and if a family or individual owned and occupied that much land, it would be a fairly wealthy family, and probably wouldn't need to farm for a living. Such households tend to be well connected to land owners, and either have *kibanja* rights dating from before 1975, or have long-term borrowing arrangements which amount to de facto *bibanja* in terms of the relationship between owner and user. Many are also making use of public land.

The "measure of food security" group evidenced two different tendencies. In one group, the family or an individual in the family may own land (either by holding a title or a lease-hold) and another member of the household farms it. The modal example here would be the husband, or the father of the husband, owning land, and the wife farming the land. However, other combinations of the provision of land and labor were noted.

The second group does not own land in the formal sense, but an individual within the household obtains land through a borrowing or "squatting" arrangement, or through purchase of use rights from someone else. Again, the modal example would be either the wife or a female head of household being the one to obtain land in one of these manners, but other cases exist. The only cases noted where land-use rights were purchased involved women, and were exclusively in this "measure of food security" category, but examples of men buying use rights undoubtedly exist as well. Purchasing use-rights from a previous user may afford less long-term security of tenure than having a relationship with a land-owner which amounts to a de facto *kibanja*, or having established prior occupancy on public land that is unlikely to be built on -- such as swamp land. This may explain why the "self-sufficiency" group did not report purchasing use rights. Nevertheless, the number of cases studied were undoubtedly too few to draw firm conclusions.

The "no other means" group tended to rely either on "squatting" as a land-access strategy -- including the use of land from which they were almost certain to be evicted -- or used tiny remnants of *bibanja* holdings with which they were left when widowed or abandoned. In several cases, widows reported having been forced to sell pieces of *bibanja* either before their husband's death because he was sick and couldn't work, or

immediately after his death because they had no other way of raising money for the family.³⁰ In other cases, a male head of household sold off most of a *kibanja* before pocketing the proceeds and leaving.³¹

A Theoretical Note on Land Access and Urban Agriculture. The formal categories of land tenure in Kampala do not go very far in explaining actual practices on the ground in terms of accessing and holding land for agricultural purposes. Cases were noted where *kibanja* holders or literal squatters were both wealthier and more powerful than the title holders, and were more or less forcing the owner to sell them the title.³² What explains the apparent contradiction between the informal use of land for an illegal practice and the uneven enforcement of bylaws prohibiting urban agriculture in most instances? What is the logic of the rules governing land use in the perception of those charged with enforcing the formal rules? How are "illegal" strategies of land access legitimized by those who rely on them? Stated differently, what are the social relations that permit and protect informal urban land use?

There has long been a debate as to how urban agriculture should be interpreted: several views have been suggested in the literature on urban agriculture specifically and the informal economy more generally. The first is a Marxian view suggesting that "survival strategies" of the urban poor such as urban agriculture are merely the means through which they are forced to bear the social costs of capitalist development (Leys, 1975; Portes and Walton, 1981). A second view, often put forward by city planners, is that urban farming is a rural cultural artifact of a recently urbanized population -- a "remnant of bush life" as it was poetically put by Naipaul (1981). A third view, suggested by the new institutional economics school, including informal sector advocates such as de Soto (1986), sees urban agriculture as a form of market-rational, micro-entrepreneurship, responding to incentives in the local economy. Numerous writers suggest that urban agriculture is an adaptive strategy by city dwellers in the face of economic adversity, which makes use of otherwise under-utilized resources such as land and labor (Sanyal, 1985; Smit and Nasr, 1992; Maxwell and Zziwa, 1992). This latter view has been challenged in the Ugandan context by at least one analyst, who charges that urban agriculture does not constitute resourcefulness but rather symbolizes decay (Bibangambah, 1992).

³⁰Household case study number 10, January 16, 1993 and number 24, February 1, 1993.

³¹Household case study number 15, January 25, 1993.

³²Key informant interview number 7, December 30, 1992; and household case study number 3, January 6, 1993.

The empirical evidence presented in this paper can be used to some extent to support any of these theoretical interpretations, yet none of them can explain all the evidence. The argument made here is that in order to understand urban agriculture, first, the logic of the farmer herself (or in some cases, himself) must be understood; and second, the social relations underpinning informal access to land must be understood.

In attempting to explain land access and the reason that urban residents are able to retain land they do not own for informal purposes in spite of the fact that the activities carried out on the land are illegal, Freeman (1991) suggests that what may be happening is the re-interpretation of customary land law in an urban setting. He draws a distinction, as do many other writers on urban tenure in Africa, between the *de jure* tenure arrangements, and *de facto* institutions. In Nairobi, the city Freeman is discussing, the *de jure* tenure regime is freehold, yet less than a quarter of the farmers he interviewed owned their land, but on average non-owning respondents had been using the same land informally for more than seven years. To explain the *de facto* arrangement under which this is possible, he looks at the customary system in place in the area before colonialism and the subsequent land reform were superimposed.

In Kikuyu customary law, land was vested in the individual or household, in that it could be leased or mortgaged, as well as demarcated and enclosed. The tenant *ahoi* acquired an estate for an indefinite period, and even if the landlord terminated his tenancy, he was allowed to harvest all of his crops and was reimbursed for improvements like trees, perennial crops, etc. (Freeman, 1991 citing Maini, 1967). While this customary law has mostly passed out of usage because of Kenya's sweeping land reform, the more elderly of Freeman's respondents could recall the time when this tenure regime obtained, even in parts of what is now Nairobi. The rights of the *ahoi* are still recalled both by the urban landless and the bureaucrats who staff the Nairobi City Council.

The *de jure* view would be that not only is the urban land illegally occupied, it is also being illegally used (for agriculture, in this case). Freeman therefore posits a *de facto* resurgence of a contemporary, urban *ahoi*. He suggests that urban farmers in Africa who informally occupy land they do not own are reasserting the right of the landless peasant to the means of subsistence in traditional village life, and that by largely ignoring the illegal land-use, urban authorities are tacitly respecting this assertion. He points out, for instance, that so long as urban plots are kept weeded, and restricted to annual crops, City Council does not take action against the farmers, even though agriculture is illegal according to the

bylaws. Freeman was told that a sort of unwritten policy to this effect exists in Nairobi City Council.³³

Mabogunje (1990) raises the issue of patron/client relations governing the informal use of urban land. His thesis is that, in the post-Independence era in Africa, certain individuals were able to control the use of urban land not through ownership *per se*, but through their positions of authority within municipal councils or other bureaucracies. These individuals have used their positions to control access to and the use of public urban land, in return for other favors, including presumably, the political ability to maintain their positions of authority despite governmental restructuring and even changes in regime. These "patrons" have thus appropriated to themselves some of the attributes of chiefs or other customary authorities. Mabogunje further argues that these invisible networks mitigate the emergence of class conflict over urban land precisely because they obfuscate who owns the land, who has access to it and what the process of access is.

The point is that this instrumental usage of state power weakens the emergence of a market in land under circumstances where economic competition would suggest a devastatingly effective market, which in turn dampens the emergence of class consciousness, and hence of class conflict over land. It also makes land artificially high-priced. The regulation of land access and land use is restricted to what Mingione (1991) refers to as the "reciprocal sphere" of face-to-face interactions, where by personalizing the rules of access, much of the process of formal land access is kept opaque.

To the extent that the patron/client relationship is based on kinship or ethnicity, there may be an element of appearing to protect group interests, but there is also an obvious element of means/ends rationality on the part of the "patron" in maintaining or recreating these relations and a clear asymmetry of power that permits it. This implies a class logic on the part of one party in the relationship but not the other. With regard specifically to activities such as urban agriculture, one of the forces driving the relationship is the extent to which households or "clients" must rely upon multiple means to survive and reproduce. Mabogunje links the obfuscation of class consciousness to the extent of semi-

³³A similar "policy" in various forms exists in Kampala, most often described as being permitted to grow crops so long as they are no more than 2 feet high (which permits most annual crops except cassava and maize, and prohibits most perennial crops). But people routinely ignore this "rule" - even in the Kampala City Council housing estates. And in the documented recent cases where KCC law enforcement officers slashed people's crops, crop height was not an issue.

proletarianism in African cities, or what he calls straddling: "Straddling has its consequence in a certain indeterminacy in situating ... class interest. Instead of fostering class struggle as the major instrument of social change and development, it ... tends to diffuse class conflict and as long as is possible, encourages resort to options other than direct confrontation to resolve social problems. Perhaps the best recognized of these options is clientelism..." (p.169).

In other words, both Mabogunje and Freeman suggest the re-emergence of a form of social relations over land which both neo-classical economic analysis and Marxist political economy predict would disappear in urban society. However, for Mabogunje, the asymmetry of power implied in the issue of land access is instrumentally manipulated to maintain the status quo; Freeman's analysis suggests land access -- or at least the use of land already accessed -- on more of a "moral economy" basis.

A somewhat more malevolent interpretation of the same evidence presented by Freeman would argue that state tolerance of the violation of municipal bylaws is evidence that urban agriculture serves as a "safety valve" or subsidy on low wages paid by the state to civil servants and by industry to wage earners -- a view congruent to some extent with the interpretation of the entire informal sector as put forward by Leys (1975) and Portes and Walton (1981).

However, in Kampala, the group most widely opposed to urban farming are bureaucrats or state agents -- in various government ministries as well as municipal councils. Elected officials (many of whom engage in urban agriculture themselves) have a moderating effect on these bureaucrats, and indeed many favor updating the bylaws regarding urban farming. In the views of people cultivating themselves, the City Council is unalterably opposed to their practices, and the only reason that City Council law enforcement officers don't extract more extra-legal payments from cultivators is that many of them also farm, and it is more lucrative to extract such favors from people building without an expensive building permit.³⁴

Mabogunje (1990) mainly refers to public land held by the state and state functionaries' allocation of it. There is some evidence of patronage relations affecting allocation of this land in Kampala for housing purposes -- that is, in the granting of leaseholds on land not occupied by the lessee. But very little of this is for agricultural purposes, and this study did not specifically investigate the issue of land for housing.

³⁴From household case study interview number 14, January 21, 1993.

There is more evidence of patron/client relationships governing access to land for farming on *Mailo* land. The very nature of the link between title owner and *kibanja* tenant suggests a patron/client kind of relationship. Other evidence has been mentioned: petty payments in cash and in kind for short-term use of privately held land; privileged usage of fairly large tracts of land granted by title owners to certain individuals and summary eviction of others from tiny plots, depending on the social circumstances of the user; and in particular, land owners granting permission to use land in exchange for upkeep and keeping unwanted occupants out while cashing in on the rate at which land values are inflating -- the users provide the protection service while the title owner accrues the value.

Only one example was encountered in which someone was given access to land for farming by her employer in compensation for the fact that her wage was very low. In this case, the woman was a nursery school teacher, who was permitted to cultivate on some vacant land that had been allocated to the school by Kampala City Council. Far from constituting exploitation in the view of the respondent, she considered herself lucky to get the land, because she got the same wages as nursery school teachers elsewhere in the city, and got the protected use of land in addition.

There is some evidence of petty patronage being paid to Resistance Council members with regard to land allocated by them. Resistance Councils, in fact, seem to be playing different roles with regard to land in different places. In several areas, Resistance Council members interviewed indicated that not only are they involved in settling land disputes -- both over boundaries and the issue of prior occupancy -- they at times also allocate public and unused private land to people looking for a place to cultivate. On private land, this is often the case where the *Mailo* owners have not been seen for many years, the *kibanja* holders only come once in a while to collect rent on buildings, and other land is left idle. In many instances, the RCs actively advocate cultivation of such land, simply because it controls the growth of elephant grass and other bush, and therefore helps control security problems.³⁵ On public land, particularly if land falls vacant without the previous user arranging to transfer use rights to someone else, RCs occasionally step in to allocate the land.³⁶

³⁵ The day we interviewed one RC chairman, he had just recovered a machine gun and a stick grenade from one such overgrown plot, accidentally discovered by two children who were playing there. (Key informant interview number 7, December 30, 1992).

³⁶ From key informant interview number 12, January 12, 1993.

However, several respondents reported having to offer favors or gifts in order to get a favorable settlement from an RC over a land dispute, and significant payments of money in order to get intervention from an RC in the event of eviction.³⁷ One respondent complained that a member of the RC executive had encroached on his land, and it was out of the question to take the dispute to the RC. Ironically, when interviewing the RC executive committee of that area (an interview which preceded the one where the encroachment case arose), one of the members casually remarked, "we are all landlords on this executive".³⁸

Although an assessment of the role of Resistance Councils in the issue of land access was not a major objective in this research, we nevertheless faced a certain insurmountable methodological problem in that, in order to get access to households in a variety of places in the city, we had to work through local RCs, who were unlikely to introduce us to households which would put them in a bad light -- the few complaints encountered came through other sources.

Formalization of Tenure: Prospects for Urban Agriculture. Given the confusing array of land tenure arrangements within the city, and in particular the overlapping rights of various parties in *Mailo* land, urban planners have long been concerned about unplanned subdivision and fragmentation of land holdings, and with how to make sufficient land available and acquirable for urban development purposes (Litherland, 1966; Kampala City Council, 1972 and 1990). In Mmengo, prior to its incorporation into Kampala in 1968, the concern goes back even further (Gutkind, 1960).

Kaggwa (1993) suggests that the urban crisis itself is at least partly a land crisis, and lists as elements of the land crisis: multiple rights in *Mailo* land; confusion over the issue of compensation upon eviction; too much security of tenure under the *Mailo* system leading to absentee landlordism and no incentive structure for either developing land or keeping it on a competitive basis, leading to problems of (formal) access to land for the urban majority who cannot afford to buy *Mailo* land.

Referring specifically to Uganda, Kituuka (1993) formulates the urban land impasse in terms of two nearly incompatible policy imperatives: guaranteeing developers sufficient access to land for commercial, industrial and housing requirements, while at the same time, protecting

³⁷ From household case study interview 14, January 21, 1993 and number 24, February 1, 1993.

³⁸ Key informant interview number 12, January 10, 1993.

the access of the urban poor to land. These points are substantially echoed by Mulendwe (1992).

In 1965, Kampala City Council recommended broad-ranging powers be granted to ensure that sufficient land was available for "development purposes" -- that is, commerce, industry and housing (Litherland, 1966): "In order to implement any rational schemes for urban development, there must be adequate means to **completely change the present land [tenure] pattern.** This will entail considerable interference with the existing rights of property owners and tenants...." (p. 21, emphasis added).

The 1972 Kampala Development Plan reiterated many of these concerns, and proposed a land exchange policy to move land out of the *Mailo* tenure system and into the public land category, under which owners would have been offered 99 year leases on a portion of their land that was of equal value to that of their interest in the *Mailo* land. No mention was made of compensation to *kibanja* holders (KCC, 1972). The 1975 Land Reform Decree did not particularly address the question of urban land per se but abolished on paper the entire *Mailo* system, vested all land in the state and turned *Mailo* titles into long-term leases (Uganda Government, 1975). Some aspects of the Land Reform Decree have been put into practice -- the abolition of *busuulu* and *envujjo* payments, for example -- but in practice, the *Mailo* land system still prevails in areas where it was established by the 1900 Buganda Agreement, areas of municipal Kampala included.

In 1990, Kampala City Council issued a new Land Management Policy (KCC, 1990). It is an attempt to streamline land management and planning practices in the city, control unplanned subdivision, regularize zoning and land-use policies, clarify the status of customary holdings on public land, and especially to address the question of making land available, while controlling the profits of land speculators. This document appears to take the *Mailo* system for granted as the de facto tenure system in areas where it existed prior to 1975, the Land Reform Decree notwithstanding, even though the latter is specifically quoted as an "earlier decree that affect[s] land management and planning." (p.2).

Current proposed land legislation affecting the entire country proposes that urban land be converted to freehold tenure. Kaggwa (1993) suggests that urban development would proceed more smoothly were leasehold tenure standardized for urban areas. The proposed legislation also puts greater restrictions on the summary removal of customary tenants from public land, although this section refers more to rural land, and not

"squatters" on urban land -- even if they were once customary *bibanja* holders on that land.

The presumption underlying the proposals for tenure reform (both rural and urban) in Uganda is that the ambiguity over property rights is a fetter on both urban development and rural agricultural productivity. Formalization of the rules (and the ability to enforce them) are presumed to be a necessary, though not necessarily sufficient, condition for future economic growth (Barrows and Roth, 1990). Another presumed, though largely unstated factor is that urbanization itself creates increased value in land (Barass, 1983). The issue for urban agriculture is **whether increased formalization of tenure -- along lines of either the proposed the freehold system or the counter-proposal of a lease-hold system -- would enhance or hinder access to land for agricultural purposes in the city.**

In discussing informal urban land tenure, Doebele (1987) outlines the arguments over the efficiency versus the equity implications of formalization. At the micro-level, informal occupants often put land to intensive use, however from the point of view of the broader economy, land is not being put to its "highest and best use" (p.76), especially from the point of view of economic returns. This would certainly be the case for land used for growing subsistence crops compared to land being used for residential, commercial or industrial use. On the other hand, a system which permits some informal access to land has within it some protection for the urban underclass, though Doebele doesn't express any opinion over the nature of access as outlined above. He does not specifically mention urban agriculture, but the use of land for provision of basic needs such as food would fall into this category of his discussion.

Doebele goes on to outline a general historical progression that urban tenure forms often pass through. He notes that there has been a consolidation of actors in urban land markets, which will have the effect of squeezing out the poor, and some of their coping mechanisms of the past. This is compounded by other contemporary problems, including heavy municipal indebtedness due to upgrading projects and infrastructural investments in the past and structural adjustment programs, which are forcing cutbacks in subsidies to poor urban residents and forcing lay-offs in both the civil service and wage labor sectors of urban economies in Africa. Hence, while land prices are rising rapidly, poor and working people may be forced into even more informal means of coping. His point here is that some of the "informal" tenure types outlined above may become less viable because of rapidly increasing land values, when at the same time, the need for reliance on informal

mechanisms may be increased, both because the levels of formal unemployment have increased, and traditional forms of assistance to the urban poor are being cut back. The implication is clearly that any urban tenure changes inevitably impact both economic efficiency and social equity, and the consequences of both must be considered by policy-makers.

The consequences for urban agriculture of any tenure formalization in Kampala will undoubtedly entail a loss of land for cultivation. One of the major purposes of such tenure reform is to make more land available on a competitive market. It is clear from the above discussion of land access that urban cultivators have taken advantage of interstitial institutional space created in urban land both by the complexities of the *Mailo* tenure system, and by the turmoil of the Amin and post-Amin eras. Some of this loss of land for cultivation is already occurring: many of the access strategies of current cultivators -- that is, access strategies that have worked at some time in the past -- are no longer available to newcomers to the city, or current non-cultivators. The perception was expressed repeatedly by interview respondents that "land is all used up".³⁹

As the security situation has improved dramatically in the city in the late 1980s and early 1990s, land owners have begun to build rapidly on land that previously sat idle. It is not clear yet whether the rate of inflation in land values will follow a generally decreasing rate of inflation in the economy in general. If it does, holding land purely for speculative purposes is likely to decrease somewhat even in the absence of tenure reforms.

On the other hand, a major conversion from the current variety of tenure types in Kampala to freehold (and even more so to lease hold, if the latter were to be adopted) will be an expensive and administratively complicated process. And as various informants have noted, there are strong vested interests in the *Mailo* system at many levels of government: so far the conversion of tenure is only a proposal, and a controversial one at that. At issue is whether the City Council is capable of enforcing the Town and Country Planning Act, which would be the sole instrument controlling urban development under a freehold system.

Formalization of tenure would not necessarily spell the end of cultivation or livestock keeping in the city. In fact, advocates of urban agriculture considered it a victory that plot sizes in some newly planned areas will be

³⁹ From Household Case Study interview number 1, December 27, 1993; number 9, January 14, 1993; number 22, January 30, 1993; number 27, February 10, 1993 and Key Informant Interview 25, February 8, 1993.

increased in order to permit cultivation by the owner on his/her own land. Of course, the irony is that low-income customary tenant cultivators were evicted from the land in order to make room for the middle-class future occupants who would have non-farming sources of income.

There are also influential interests, planners and political leaders included, who see some value in retaining urban agriculture as a part of the city's economy in the medium- to long-term.⁴⁰ This might entail rezoning certain areas of the city for specifically agricultural uses (on the green-belt model); or simply alter existing bylaws to permit farming in certain parts of the city -- most notably the residential suburbs and the more peri-urban areas where current bylaws make little sense and have little impact. Rezoning to create agricultural land-use areas might make sense in terms of the city's topography. Since it has never been tried in Kampala, it remains to be seen whether such a formal step would adequately address concerns about equity of access to such rezoned land in terms of income-group and gender -- attempting to rezone informal economic activities is a notoriously difficult task.⁴¹ (For a good account of what can happen when attempts to rationalize informal economic activities are made by municipal government, see Gombay, 1993).

Another approach might involve a two step process, leaving the long-term usage of land to be decided upon at a future date, but recognizing the current squeeze of urban residents. The Structural Adjustment Lending agreements to which the Government of Uganda is now bound, stipulate major cutbacks in both civil service and military employment. Although the overall rate of growth in the economy has been steady over the past five years, growth in employment and improvement in the level of wage remuneration have both lagged behind. For individuals and households which have lost a paying job in the current retrenchment of government employees, urban agriculture is one of the few options available in the short term.⁴² Urban farming could be granted short-term legitimacy in its current form, while issues of land-use planning, rezoning, compensation and a review of municipal bylaws could be undertaken at a specified time in the future. More evidence on income, food security and nutritional status of households that have had some

⁴⁰ Key informant interview number 9, January 7, 1993; number 19, January 17, 1993 and number 24, January 31, 1993.

⁴¹ Key informant interview number 26, February 8, 1993.

⁴² Several household case study respondents, whom we made no effort to seek out, indicated that either they or someone in their household had recently lost a civil service job. (Household case study number 9, January 14, 1993; number 18, January 27, 1993; and key informant interview number 19.

access to land in the city for farming is required to strengthen the case to be made for such a policy option.

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